

Translation

10/5118781

PATENT COOPERATION TREATY

PCT/EP2003/006480



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 102 28 316.8	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/006480	International filing date (day/month/year) 18 June 2003 (18.06.2003)	Priority date (day/month/year) 25 June 2002 (25.06.2002)
International Patent Classification (IPC) or national classification and IPC A45C 11/34, B65D 85/28		
Applicant SCHWAN-STABILO SCHWANHÄUSSER GMBH & CO. KG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 16 October 2003 (16.10.2003)	Date of completion of this report 18 May 2004 (18.05.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/006480

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages _____ 1-8 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-19 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/4-4/4 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/06480

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-19	YES
	Claims		NO
Inventive step (IS)	Claims	1-19	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: GB 859 819 A (ROLAND GRAF V FABER CASTELL)
25 January 1961 (1961-01-25)
D2: EP-A-0 823 227 (UNIVERSAL S P A) 11 February
1998 (1998-02-11)
D3: US-A-4 648 505 (BELMONDO DOMENICO) 10 March 1987
(1987-03-10)

2. Certain documents published (PCT Rule 70.10)

Appl. no. Patent no.	Pub. date (Day/Month/Year)	Filing date (Day/Month/Year)	Priority date (valid claim) (Day/Month/Year)
DE 202 09 834 U	05 Sept. 2002	25 June 2002	25 June 2002

3. Novelty and inventive step:

3.1 GB 859 819 A (D1), which is considered the closest prior art, discloses a receptacle displaying the following features of claim 1 (the references in brackets are to that document):

Receptacle (figure 1) for holding at least one pen, with an interior and a first wall element (1) forming a delimitation for the interior.

Therefore the subject matter of claim 1 differs from this prior art in that:

the first wall element comprises a first connection section which lies in the interior and at the free end of which an end section is curved towards a second wall element adjacent the first connection section.

Therefore the problem to be solved by the present invention can be considered that of producing a receptacle for holding at least one pen which presents no risk of injury owing to edges.

This problem is solved in that the edges are curved into the interior of the receptacle.

The prior art documents (D1, D2 and D3) contain nothing to suggest this solution.

Consequently the subject matter of claim 1 appears to meet the requirements of PCT Article 33(2) and (3).

3.2 Dependent claims 2 to 19:

Claims 2 to 19 are dependent on claim 1 and hence likewise meet the requirements of PCT Article 33(2) and (3).

4. Industrial applicability:

The subject matter of claims 1 to 19 clearly has industrial applicability, such that the requirements of PCT Article 33(4) are met.